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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,889	08/20/2003	Michael P. Coppert	IGT1P319/AC00046-001	8185

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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2193

MAIL DATE	DELIVERY MODE
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08/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/645,889	Applicant(s) COPPERT, MICHAEL P.	
	Examiner TUAN A. VU	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8,10-18,24,25,27-33,39,40 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8,10-18,24-25,27-33, 39-40,42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 6/02/09.

As indicated in Applicant's response, claims 8, 10-11, 13, 16, 24, 29, 39 have been amended. Claims 8, 10-18, 24-25, 27-33, 39-40, 42-48 are pending in the office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 10-18, 24-25, 27-33, 39-40, 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cravo de Almeida et al, USPubN: 2002/0169871 (herein Cravo), and APA(Admitted Prior Art: Specs, pg. 1) further in view of Vuong et al, USPubN: 2003/0003997 (herein Vuong).

As per claim 8, Cravo discloses a monitoring apparatus, comprising:

a message receiver at a central server having a processor to receive a first message (Fig. 4; para 0051, pg. 4) from a computer at a first site wherein the computer has a probe installed therein (Fig. 7; para 0082 pg. 7; agent 24 Fig. 1) and the first site is remote from the central server (local server 12, monitor server 20 - Fig. 1),

the probe being configured to determine at scheduled times (e.g. unattended ...monitoring – para 0028, pg. 2; certain time intervals – para 0032, pg. 2; period 206a, 206b - para 0033 pg. 3) a first value for a first metric, the first metric relating to operating status information associated with one or more applications running at the computer (Fig. 2b-2D), and

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generate the first message, the first message including the first value for the first metric (para 0028, pg. 2; para 0092 pg. 8; e.g. value of upload timer is greater than - para 0049-0052 pg. 4);

a tester at the central server configured to determine if the first value is acceptable (para 0055, pg. 5),

wherein the tester includes a first filter, the first filter defining a range of acceptable values for the first metric (e.g. *tolerances and thresholds* - para 0053 pg. 5), and the tester is operative to compare the first value with the range of acceptable values for the first filter (e.g. number of entries... exceed the threshold - para 0054 pg. 5); and

an alerter at the central server configured to provide an alert (*report generator 116 ... warning* – para 0055 pg. 5) if the first value is not acceptable.

Cravo does not disclose computer at a first site in a casino location, but computer or processor-based computing machines as in Cravo, with agents or probes installed therein to monitor operating systems or transactions/applications events, metrics therein was a known concept; as this is shown in APA wherein operating systems like XP Windows (see Specs: Background: pg. 1) can trigger dynamic network-based reports to the software vendor when product O.S. have incurred issues while in operation; and computing machines to handle transactions like computer games or casino transactions is further disclosed in Vuong.

Analogous to Cravo and APA, Vuong discloses casino environment and in house network including administrating terminal with managerial authority implemented via connection to individual computers or game stations with attached readers (Vuong: Figs 2-4, 7; *gaming machines ... computers, reader 210, reader network, table manager 222* – para 0033-0039, pg. 3) to capture transactional activities metrics which are analyzed whereby alerts or take actions

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against user accounts (Fig. 5, 9A-B, 10, 11-12) can be effectuated based on the above network and manager terminals (para 0055-0058). Based on the widespread use of computer-embedded software components to capture various domains' application runtime events wherein collected data could support domain-related assessment of business values or performance implications, it would have been obvious for one skill in the art at the time the invention was made to implement the probes or agents in computer as in Cravo so that the computers can be used in casino domain such as the networked management scheme as set forth in Vuong so that gaming metrics can be collected for the casino management to effectuate corrective action once a alert or a violation has been detected by analyzing the collected metrics as taught in both Cravo and Vuong.

As per claim 10, Cravo discloses a filter configured to determine a range of acceptable values for a metric (para 0053 pg. 5).

Cravo does not explicitly disclose plurality of filters, and a selector configured to select the first filter from the plurality of filters based on the first metric in the first message. But Vuong discloses a plurality of computers or stations with special personalization data or gaming identification recorded in database (para 0079 - 0091, pg. 8-9), which when processed by a recipient server or administrator terminal in Vuong's casino network, enable a particular rules to be applied based on such registered identification (Fig. 8; para 0101-0105 pg. 10). Cravo discloses rules being applied to data extracted from a message and determining of defined range (Fig. 5) in a Network that enforces personalized security requirements whereby a particular registering entitles a client/user to be specifically given access right or service provision (see para 0060-0061, pg. 5; 0069-0071, pg. 6; RDBMs 88, Fig. 1) in association with server-side's engines to assess range based on plurality of rules persisted (rules 114 Fig. 1; para 0054-55, pg.

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5). In view of the NW context of a casino as mentioned in claim 8, where a plurality of stations might require proper identification and specific data set to validate, it would have been obvious for one skill in the art at the time the invention was made to implement the filtering service in Crado's server and rule engine (engine 112, Fig. 1) so that a plurality of filters are implemented with a selector therefor so that filtering of one of the many client stations and its registered data, as specified by one such selector, would enable proper rules and data set to be applied based on the filtering and retrieval of a more client-specific range or threshold data; i.e. a particularly identified stations (see Vuong: Fig 9A-B) -- and its retrieved range/threshold as in Cravo (see para 0053, pg. 5) -- by one selected filter would limit the amount of otherwise extraneous processing because a range of data specified by a selector would delimit assessment of a set of pertinent data to one set of range or rules according to the identified computer client or gaming station.

As per claim 11, Cravo discloses message including first metric sent from the first site to a manager site (see claim 8) but does not explicitly disclose wherein the plurality of filters includes at least one filter defining a range of acceptable values for the first metric associated with a site; and a selector configured to select the first filter from the plurality of filters based on a first site in the first message.

This limitation has been rendered obvious by virtue of claim 10.

As per claim 12, Cravo discloses a log, the log including an entry corresponding to the first message (data section 106 -para 0043, pg. 3).

As per claim 13, Cravo discloses a system for monitoring software, comprising:
a central computer;

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a monitoring apparatus installed in the central computer, wherein the monitoring apparatus includes a message receiver configured to receive a first message from a first site remote from the central computer (refer to claim 8), the first message including a first value for a first metric (refer to claim 8), a tester configured to determine if the first value is acceptable (e.g. number of entries... exceed the threshold - para 0054 pg. 5), and an alerter configured to provide an alert if the first value is not acceptable (local server 12 - para 0055 pg. 5);

a first computer at the first site (Fig. 1); a first probe installed in the first computer, the first probe configured to: determine, at scheduled times (refer to claim 8), the first value for the first metric, the first metric relating to operating status information associated with one or more applications running at the first computer (refer to claim 8), and

generate the first message, the first message including the first value for the first metric (e.g. para 0028, pg. 2; para 0092 pg. 8; e.g. value of upload timer is greater than - para 0049-0052 pg. 4) and a network connecting the central computer and the first computer (local server 12, monitor server 20 - Fig. 1).

Cravo does not disclose computer at a first site in a casino location; but this limitation has been addressed in claim 8.

As per claim 14, Cravo discloses a workstation run by an administrator of the intranet (para 0026, pg. 2) but does not specify that local administrator and computer where agent 24 operates is a second computer, the second probe installed in the second computer; and the network connects the central computer and the second computer. The provision of more than one station with installed agents or probes to capture transaction data has been taught in Vuong's

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network of gaming stations, and the second computer equipped with monitoring agent or probe would have been obvious in view of claim 8 and the selector set forth in claim 10.

As per claim 15, Cravo discloses wherein the first computer includes a software package (system call API ... to store data and web browser – para 0030 pg. 2) but does not explicitly disclose that the first probe monitors the software package. Gaming stations or computer-based stations to include monitoring probes to track transactions or gaming applications is taught in Vuong, as this is shown in claim 8. Based on the browser application and underlying data generated from running a browser as taught in Cravo (Fig. 2a-2d) it would have been obvious for one skill in the art at the time the invention was made to implement the first probe in Cravo's first computer so that it also monitor application software package like Casino transactions metrics as set forth in Vuong, because transactions being monitored at the application layer as well as the lower O.S. layer would give the server sufficient metrics to implement corrective actions, e.g. to correct the resources limitations (Cravo: para 0059,pg. 5) or to apply restrictive actions or rewards onto the user of the applications as in Vuong (see *bonus, fraud reporting* - Fig. 9A; decommission - Fig. 10)

As per claim 16, Cravo does not explicitly that the first computer includes a database; and the first probe is configured to retrieve information from the database; but disclose a record on data implicated with activities of the probe or monitoring agent (*logged* - para 0091, pg. 8). Log files being mined at a gaming station and referred to as a database and tracked by a smart table for sending an alarm is taught in Vuong (para 0049-0052, pg. 5). Based on the intended functionality that agent 24 as taught in Cravo retrieves stored data at some predetermined intervals (para 0032, pg. 2; para 0050 pg. 4) it would have been obvious for one skill in the art at

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the time the invention was made to implement the log in Cravo so they can be referred to as a database or local history log in order to support the alert or the message sending as in Cravo, because data stored locally serving a history of events that happened locally -- as in a local database --can be used after some interval of time past or present (as in Cravo) to derived needed information like that is conducive to generating a alert, as this local log would act like a expedient storage reference form, and thereby precluding the first probe or monitoring agent from having to resort to additional resources or storage implementation.

As per claims 17-18, Cravo discloses the first probe includes:

a first sensor to capture a first value for a first metric; and a message generator operative to send a first message to a central site, the message including the first value (refer to claim 8) wherein the first computer includes an e-mail server to generate a message from the first probe to the monitoring apparatus (SMTP 54, Mail server 150 - Fig. 1).

As per claim 24, Cravo discloses method for using a monitoring apparatus, comprising:

receiving a message at a central server; determining at the central server a first value for a first metric for a computer at a first site from the message, the first site being remote from the central server and the message being generated by a probe installed on the computer,

the probe being configured to:

determine, at scheduled times, information related to the first value for the first metric, the first metric relating to operating status information associated with one or more applications running at the computer, and generate the first message, the first message including the information related to the first value for the first metric;

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determining at the central server if the first value for the first metric for the first site is acceptable; and if the first value for the first metric is not acceptable, displaying an alert at the central server that the first value for the first metric is not acceptable;

all of which having been addressed in claim 8.

Cravo does not disclose computer at a first site in a casino location; but this limitation has been addressed in claim 8.

As per claim 25, Cravo discloses if the first value for the first metric is acceptable, logging the first value for the first metric (data 106, report 118, data files 113- Fig. 1 – Note: report storing appraisal result reads on acceptable metric being logged – see Fig. 5-6).

As per claims 27-28, Cravo discloses wherein determining if the first value for the first metric is acceptable includes comparing the first value for the first metric with at least one acceptable value (Fig. 5); determining if the first value for the first metric is within a range of acceptable values.

As per claims 29-30, Cravo discloses receiving a message includes: accessing the first value for the first metric by the probe; and sending the message (para 0051-0052, pg. 4) to the monitoring apparatus by the probe; delivering the message to an e-mail server by the probe; delivering the message to the monitoring apparatus by the e-mail server (Fig. 1; re claim 18).

As per claim 31, Cravo discloses (by virtue of the rationale of claim 15) wherein accessing the first value includes accessing a software package by the probe.

As per claim 32, refer to claim 16

As per claim 33, Cravo discloses: wherein the message includes the first value for the first metric (Fig. 2) and an identifier for a site of the probe (email address – para 0069 – Note:

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registering by user reads no SMTP having address identifying the sending entity or site of probe).

As per claim 39, Cravo discloses Computer-readable storage media containing a program to use a monitoring apparatus, the program comprising:

software at a server to receive a message; software at the server to determine a first value for a first metric for a computer at a first site from the message wherein the message is caused to be generated by a probe installed on the computer, the first site being remote from the server;

the probe being configured to:

determine, at scheduled times, information related to the first value for the first metric, the first metric relating to operating status information associated with one or more applications running at the computer, and

generate the first message, the first message including the information related to the first value for the first metric;

software at the server to determine if the first value for the first metric for the first site is acceptable; and

if the first value for the first metric is not acceptable, software at the server to display an alert that the first value for the first metric is not acceptable;

all of which having been addressed in claim 8.

Cravo does not disclose first site being a casino location; but this limitation has been addressed in claim 8.

As per claim 40, refer to claim 25.

As per claims 42-44, refer to claims 27-29

As per claims 45-48, refer to claims 30-33

Response to Arguments

4. Applicant's arguments filed 6/02/09 have been fully considered but they are moot in view of the new grounds of Rejection which have been necessitated by the Amendments.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before

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using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

August 07, 2009